



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 26 2005

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bruce Tieben, Manager
Checkmate Boats, Inc.
3691 State Route 4 North
Bucyrus, Ohio 44820

Re: Finding of Violation
Checkmate Boats, Inc.
Bucyrus, Ohio

Dear Mr. Tieben:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Checkmate Boats, Inc. (you). We find that you are violating Sections 112 of the Clean Air Act, 42 U.S.C. § 7401 et seq. and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing at 40 C.F.R. Part 63, Subpart VVVV, at your Bucyrus, Ohio facility.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.


We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Sheila Desai,

Environmental Engineer, and Susan Tennenbaum, Associate Regional Counsel. You may call them at (312) 353-4150 and (312) 886-0273, respectively, to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Rothblatt', with a large, stylized flourish extending from the end of the signature.

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Don Waltermeyer, Ohio EPA, NWDO
Jennifer Jolliff, Ohio EPA, NWDO

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Checkmate Boats, Inc.)	FINDING OF VIOLATION
Bucyrus, Ohio)	
)	EPA-5-05-OH-14
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Checkmate Boats, Inc. (Checkmate) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Checkmate is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing at 40 C.F.R. part 63, subpart VVVV as follows:

Regulatory Authority

1. On August 22, 2001, the U.S. EPA promulgated 40 C.F.R. Part 63, Subpart VVVV, the NESHAP for Boat Manufacturing. 66 Fed. Reg. 44232 ("Subpart VVVV regulations"). The Subpart VVVV regulations are applicable to any person who owns or operates a boat manufacturing facility that builds fiberglass boats or aluminum recreational boats and whose boat manufacturing facility is a major source of Hazardous Air Pollutants (HAP) either in and of itself, or because it is part of, a major source of HAP emissions. 40 C.F.R. § 63.5683(a).
2. A boat manufacturing facility is a facility that manufactures hulls or decks of boats from fiberglass or aluminum, or assembles boats from premanufactured hulls or decks. 40 C.F.R. § 63.5683(b).
3. A "major source of HAP" is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year from all emission sources at the plant site. 40 C.F.R. § 63.2.

4. The Subpart VVVV regulations apply to each new or existing boat manufacturing facility with resin and gel coat operations, carpet and fabric adhesive operations, or aluminum recreational boat surface coating requirements. 40 C.F.R. § 63.5680(a).
5. 40 C.F.R. § 63.5695 requires that an affected source subject to Subpart VVVV regulations, which was a major source before August 22, 2001, must comply with the Subpart VVVV regulations by August 23, 2004.
6. 40 C.F.R. § 63.5704 requires that an affected source subject to the Subpart VVVV regulations must comply with the open molding emission limit by using the emissions averaging option, the compliant materials option, or the add-on control option.
7. 40 C.F.R. § 63.5734 requires that an affected source subject to the Subpart VVVV regulations must use a cleaning solvent that contains no more than 5 percent organic HAP by weight..
8. 40 C.F.R. § 63.5740 requires that an affected source subject to the Subpart VVVV regulations must use carpet and fabric adhesives that contain no more than 5 percent organic HAP by weight.
9. 40 C.F.R. § 63.5761 requires that an affected source subject to the Subpart VVVV regulations must submit all applicable notifications in 40 C.F.R. § 63.9(b)(2). 40 C.F.R. § 63.9(b)(2) requires the owner or operator of an affected source shall notify the Administrator in writing that the source is subject to the relevant standard which shall be submitted not later than 120 days after the effective date of the relevant standard (August 22, 2001).
10. 40 C.F.R. § 63.5767 requires that an affected source must keep the records specified in 40 C.F.R § 63.5767 (a) through (d).

Checkmate's Facility

11. Checkmate owns and operates a boat manufacturing facility at 3691 State Route 4 North, Bucyrus, Ohio.
12. Checkmate's facility is a boat manufacturing facility as that term is defined in 40 C.F.R. § 63.5683.
13. Checkmate's facility, constructed in the 1960s, is an

existing source, as defined in 40 C.F.R. § 63.5692.

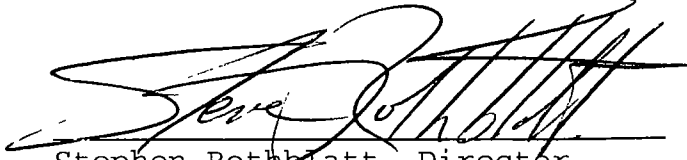
14. Checkmate has the potential to emit a single HAP at a rate greater than 10 tons or more per year and meets the requirements of a major source, as defined in 40 C.F.R. § 63.2.
15. Checkmate failed to keep the records specified in paragraphs (a) through (d) of 40 C.F.R. § 63.5767.
16. Based on the records provided by Checkmate, the HAP content of the resins and most of the gel coats used by Checkmate range from 37.0% to 38.4% for the nonspray resins and from 36.7% to 47.6% for the pigmented gel coats and exceed the limits specified in Table 2 to 40 C.F.R. § 63.5704(b)(2) of 35% for nonspray resins and 33% for pigmented gel coats.
17. Checkmate has not submitted a initial notification to the Administrator stating that it is an affected source pursuant to the Subpart VVVV regulations, as required by 40 C.F.R. § 63.5761.

Violations

18. Checkmate is in violation of 40 C.F.R. § 63.5704 by exceeding the HAP limits specified in 40 C.F.R. § 63.5704(b)(2) for compliant materials.
19. Checkmate is in violation of 40 C.F.R. § 63.5734 by exceeding the HAP limit specified in 40 C.F.R. § 63.5734, which requires use of a cleaning solvent that contains no more than 5 percent organic HAP by weight.
20. Checkmate is in violation of 40 C.F.R. § 63.5740 by exceeding the HAP limit specified in 40 C.F.R. § 63.5740, which requires use of carpet and fabric adhesives that contain no more than 5 percent organic HAP by weight.
21. Checkmate is in violation of 40 C.F.R. § 63.5761 by not submitting a timely and accurate initial notification report.

22. Checkmate is in violation of 40 C.F.R. § 63.5767 for failing to keep records as required by 40 C.F.R. § 63.5767(a) through (d).

5/26/2005
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-05-OH-14, by Certified Mail, Return Receipt Requested, to:


Bruce Tieben, Manager
Checkmate Boats, Inc.
3691 State Route 4 North
Bucyrus, Ohio 44820

I also certify that I sent copies of the Finding of Violation by first class mail to:

Don Waltermeyer, APC
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402

Jennifer Jolliff, APC
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402

on the 27th day of May, 2005.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000590256794